

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA : Case No. 1:02-cr-00140(1)
 :
Plaintiff, : Senior Judge S. Arthur
 : Spiegel
 :
vs. :
 : **ORDER**
ROGER TATE :
 :
Defendant, :

On June 10, 2005, the United States Court of Appeals for the Sixth Circuit vacated and remanded this matter for a new determination of Defendant's term of imprisonment and supervised release. Accordingly, on June 21, 2005, this Court issued an Order (doc. 68), directing the Defendant, who now resides in Baltimore, MD subsequent to his release from imprisonment on April 8, 2005, to complete a Financial Affidavit (CJA 23) within 30 days for determination of his eligibility for appointed counsel. The Defendant complied with this Court's Order on July 5, 2005 (doc. 69). This matter is now before the Court on Defendant's Financial Affidavit (CJA 23), as it pertains to appointment of counsel.

Upon review of the affidavit, the Court determines that the Defendant has insufficient funds or assets to retain counsel. Accordingly, the Office of the Federal Public Defender is hereby APPOINTED to represent Defendant Roger Tate in this matter. In the event that the Federal Public Defender cannot represent the

Defendant due to an existing conflict, the Federal Public Defender shall appoint counsel pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A. If it is subsequently determined that the Defendant is financially able to pay for said defense, the Federal Public Defender's Office shall bill the Defendant accordingly.

Upon appointment, counsel is hereby DIRECTED to contact Defendant Roger Tate at 2207 Poplar Grove, Baltimore, MD 21216, Telephone No. (410) 466-7799, to determine Defendant's availability to return to the Southern District of Ohio for re-sentencing proceedings. Counsel shall then advise the Court of the Defendant's availability to travel.

The Clerk is hereby DIRECTED to send a copy of this Order to the Probation Office for the United States District Court for the District of Maryland, Baltimore Division.

SO ORDERED.

Date: July 20, 2005

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge